

MINUTES

CASE NUMBER: CIVIL NO. 08-00297DAE-LEK

CASE NAME: J.T.E. Incorporated, et al. Vs. Costco Wholesale Corporation,
et al.

ATTYS FOR PLA:

ATTYS FOR DEFT:

INTERPRETER:

JUDGE: Leslie E. Kobayashi

REPORTER:

DATE: 06/19/2009

TIME:

COURT ACTION: EO: FINDINGS AND RECOMMENDATION DIRECTING THE
CLERK'S OFFICE TO CLOSE CASE ADMINISTRATIVELY

This matter comes before the Court because Defendant J.T.E. Inc. d/b/a Govinda Natural Products ("Defendant") reports that the arbitration was held in this matter and an award was entered on April 15, 2009. [Def.'s 06/10/09 Letter at 1.] Defendant requests that the parties be permitted to resolve the remaining matter of the attorney's fees without involving the court and requests that this matter be dismissed without prejudice with Defendant reserving the right to reopen this matter on or before the deadline to seek confirmation of the arbitration award. Defendant states that the Federal Arbitration Act allows one year from the date of entry of the award for confirmation. [Id.] Plaintiff Costco Wholesale Corporation ("Plaintiff") does not object. [Pl.'s 06/12/09.] This Court FINDS that the parties seek dismissal without prejudice in this matter with leave to seek confirmation of the arbitration award sometime prior to April 14, 2010.

The Court hereby RECOMMENDS that the Clerk's Office be directed to close this case administratively, and that the parties be instructed to file with the magistrate judge a written request to set status conference and to reopen this matter on or before April 14, 2010.

It is FURTHER RECOMMENDED that closure of this case be simply for administrative purposes, and that it explicitly not affect nor change the filing date of this litigation in terms of the statute of limitations nor for any other purpose.

IT IS SO ORDERED.

Submitted by: Warren N. Nakamura, Courtroom Manager